IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, et al., Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§	CIVIL ACTION NO. SA-11-CA-360-OLG-JES-XR [Lead case]
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC), Plaintiffs, v. STATE OF TEXAS, et al., Defendants.	§	CIVIL ACTION NO. SA-11-CA-361-OLG-JES-XR [Consolidated case]
TEXAS LATINO REDISTRICTING TASK FORCE, et al., Plaintiffs, v. RICK PERRY, Defendant.	§	CIVIL ACTION NO. SA-11-CA-490-OLG-JES-XR [Consolidated case]
MARAGARITA V. QUESADA, et al., Plaintiffs, v. RICK PERRY, et al., Defendants.	§	CIVIL ACTION NO. SA-11-CA-592-OLG-JES-XR [Consolidated case]

JOHN T. MORRIS,	§	CIVIL ACTION NO.
	§	SA-11-CA-615-OLG-JES-XR
Plaintiff,	§	[Consolidated case]
	§	
v.	§	
	§	
STATE OF TEXAS, et al.,	§	
	§	
Defendants.	§	
_____	§	
	§	
EDDIE RODRIGUEZ, et al.,	§	
	§	CIVIL ACTION NO.
Plaintiffs,	§	SA-11-CA-635-OLG-JES-XR
	§	[Consolidated case]
v.	§	
	§	
RICK PERRY, et al.,	§	
	§	
Defendants.	§	
_____	§	

STATEMENT OF INTEREST OF THE UNITED STATES WITH RESPECT TO THE REDRAWING OF INTERIM MAPS ON THE BASIS OF PROBABLE VIOLATIONS OF SECTION 5 OF THE VOTING RIGHTS ACT

INTEREST OF THE UNITED STATES

The United States files this Statement of Interest pursuant to 28 U.S.C. § 517, which authorizes the Attorney General to attend to the interests of the United States in any pending suit.

The case presents important questions regarding the intersection of Sections 2 and 5 of the Voting Rights Act. Section 5 of the Voting Rights Act precludes covered jurisdictions from implementing voting changes without receiving "preclearance" for those changes. 42 U.S.C. § 1973c. The Attorney General has primary responsibility for enforcing and administering Section 5. *See* 42 U.S.C. §§ 1973c(a), 1973(d). The Attorney General also has broad authority to enforce Section 2. *See* 42 U.S.C. § 1973j(d). The United States thus has a strong interest in ensuring the statute is properly interpreted and applied.

The United States has a particular interest in the redistricting plans at issue in this case. It currently is defending the related judicial preclearance action filed by the State of Texas in the District Court for the District of Columbia. *See Texas v. United States*, No. 1:11-cv-1303 (D.D.C., filed July 19, 2011). The United States has argued in that action that the State's proposed Congressional and State House plans fail to comply with Section 5. *See* United States' Mem. Opp. Summ. J., *Texas* v. *United States*, No. 1:11-cv-1303 (D.D.C., filed Oct. 25, 2011), ECF No. 79-2 (hereinafter *Texas v. United States*, U.S. Opp. Mem.). The district court denied the State's motion for summary judgment. *See* Order Denying Summary Judgment, *Texas v. United States*, No. 11-1303, 2011 WL 6440006 (D.D.C. Dec. 22, 2011). That case has proceeded to trial. Presentation of the evidence concluded on January 26, 2012. Closing arguments are scheduled for January 31, 2012, with all remaining filings due by February 6, 2012. The United States expects that the D.C. Court will decide the matter expeditiously.

SUMMARY OF ARGUMENT

The United States submits this brief in response to the Court's Order dated January 23, 2012, which raises a number of factual and legal questions in anticipation of the need for new interim plans. The United States does not seek to address all of the questions posed by this Court; rather, we address only this Court's question regarding the allocation of burdens in determining whether the State's plans stand a reasonable probability of failing to gain preclearance under Section 5 of the Voting Rights Act. Thus, this Statement of Interest addresses only the consideration this Court must give to the pending Section 5 objections being litigated in the D.C. Court when fashioning new interim plans.[1]

In its per curiam opinion dated January 20, 2012, the Supreme Court stated that a district court fashioning an interim plan pending Section 5 preclearance should be guided by the State's enacted plan, except to the extent that constitutional and Section 2 challenges to that plan are shown to have a likelihood of success on the merits. *See Perry v. Perez*, Nos. 11-713, 11-714, 11-715, slip op. at 5 (S. Ct. Jan. 20, 2012). With respect to outstanding Section 5 challenges, however, the Supreme Court reaffirmed that judicial determinations under Section 5 rest solely with the District Court for the District of Columbia. *See id.* at 6. As such, "[t]he calculus with respect to [Section] 5 challenges is somewhat different," as the district court fashioning an interim plan "should presume neither that a State's effort to preclear its plan will succeed nor that it will fail." *Id.* Thus, while this Court must find that Plaintiffs are likely to succeed on their constitutional and Section 2 challenges before departing from the enacted plan on the basis of

[1] This Statement of Interest does not address the likelihood of success of Plaintiffs' constitutional and Section 2 challenges to the proposed Congressional and State House plans. In fashioning any interim redistricting plan, however, this Court should rely on the evidence presented at trial in this case to determine whether Plaintiffs have demonstrated that they are likely to succeed on the merits.

such challenges, the Court must refuse to take guidance from the State's policy judgments to the extent they "reflect aspects of the state plan that stand a reasonable probability of failing to gain §5 preclearance." *Id.* The Court held that "[r]easonable probability" in this context means that the Section 5 challenge "is not insubstantial." *Id.*

Nothing in the Supreme Court's decision shifted the allocation of burdens with respect to Section 5. Rather, the State retains its burden to secure preclearance and its burden of proving that each of its enacted plans "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of" race, color or language minority status. 42 U.S.C. § 1973c(a). And here, where the District Court for the District of Columbia denied the State's motion for summary judgment and proceeded to trial on the Section 5 challenges, the challenges to the State's plans certainly are not insubstantial. Indeed, the D. C. Court's denial of summary judgment more than establishes a reasonable probability that the State's enacted plans will fail to gain preclearance.[2] Thus, in fashioning its new interim redistricting plans, this Court should not incorporate the State's policy judgments with respect to any aspects of the State's enacted plans for which there are outstanding "not insubstantial" challenges under Section 5, in this case as more than aptly demonstrated through the objections lodged in the D.C. Court. In other words, in addition to any departures from the enacted plans that this Court makes upon determining that

[2] While dispositive in this case, there need not be a denial of a motion for summary judgment in order to meet the "not insubstantial" standard. In fact, the evidence presented here goes well beyond the level required. For example, a decision by the Attorney General to interpose an objection to a proposed change would establish the requisite substantiality of a challenge. Similarly, as in this case, a decision by the United States to deny in its answer that a jurisdiction is entitled to judicial preclearance under Section 5 would demonstrate that a challenge is not insubstantial. The Court need not at this point define the bare minimum of evidence that would be necessary to establish that the 'not insubstantial' test is met; it suffices for purposes of this case to conclude that where the D.C. District Court has denied summary judgment in judicial preclearance proceedings, a court drawing interim maps may easily conclude that the Section 5 challenge is not insubstantial.

Plaintiffs are likely to succeed on their constitutional and Section 2 claims, this Court should adhere to the State's policy judgments with respect to aspects of the plan challenged under Section 5 only to the extent that the parties in the D.C. case have lodged no credible claim under Section 5.

ARGUMENT

AS TO ASPECTS OF PLANS CHALLENGED UNDER SECTION 5 OF THE VOTING RIGHTS ACT, THIS COURT SHOULD REFUSE TO FOLLOW THE STATE'S POLICY JUDGMENTS BECAUSE THE DENIAL OF SUMMARY JUDGMENT IN THE JUDICIAL PRECLEARANCE ACTION ESTABLISHES A REASONABLE PROBABILITY THAT THE PLANS WILL FAIL TO GAIN PRECLEARANCE

Section 5 of the Voting Rights Act requires the State to show that each of its enacted plans "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of" race, color or language minority status. 42 U.S.C. § 1973c(a). The "effect" prong precludes preclearance of voting changes that "would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise," as measured against the jurisdiction's existing practice. *Beer v. United States*, 425 U.S. 130, 141 (1976); *see Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 478 (1997). The retrogression prong thus prohibits changes from the existing, or benchmark, plan that will, because of race, color, or membership in a language minority group, "diminish[] the ability . . . to elect their preferred candidates of choice." 42 U.S.C. § 1973c(b). The "purpose" prong precludes preclearance of voting changes motivated by "any discriminatory purpose." 42 U.S.C. § 1973c(c). Until a newly enacted plan gains preclearance under Section 5, the State may not use that plan to conduct an election. 42 U.S.C. § 1973c(a); *see Perry v. Perez*, Nos. 11-713, 11-714, 11-715, slip op. at 2 (S. Ct. Jan. 20, 2012).

To the extent that a district court must draft interim redistricting plans pending a preclearance determination, however, the Supreme Court recently has instructed that the district court should take guidance from the policy judgments reflected in a State's enacted plan to the extent those policies do not lead to violations of the Constitution or the Voting Rights Act. *See Perry v. Perez*, slip op. at 4-5. Thus, while an enacted plan will serve as the starting point for a district court drawing an interim plan, the court cannot incorporate challenged districts into its plan where a plaintiff has demonstrated a likelihood of success on the merits of its constitutional or Section 2 challenges to those districts. *See id.* at 5-6. Nor can the district court follow the State's policy judgments where aspects of the State's enacted plan "stand a reasonable probability of failing to gain [Section] 5 preclearance." *Id.* at 6. Because judicial preclearance under Section 5 in this case rests solely with the District Court for the District of Columbia, a local district court determining whether a Section 5 challenge "is not insubstantial" should take guidance, to the extent possible, from pleadings, evidence, developments, or decisions in the judicial preclearance action. *Ibid.* The court also may be guided by the Attorney General's assessment of the plan at issue.

Here, the District Court for the District of Columbia denied summary judgment in the judicial preclearance action, thus establishing definitely that the Section 5 challenges to the enacted plans are not insubstantial. *See* Order Denying Summary Judgment. Out of respect to the court with jurisdiction over the Section 5 challenges, this Court should take guidance from that court's summary judgment decision and the parties' submissions in the judicial preclearance action when determining whether to depart from the State's policy judgments in crafting any new interim plans. *Cf. Perry v. Perez*, slip. op. at 6, 10. The Supreme Court has instructed this Court not to displace the policy judgments of the State in order to achieve *de minimus* population

deviations or minimal precinct splits in districts where there are no pending legal challenges. *See id.* at 8-9. In the case of pending Section 5 challenges, however, this Court must deviate from the State's enacted plans where there is a not insubstantial possibility that failing to do so would diminish the number of minority ability-to-elect districts as compared to the benchmark plan or would sanction aspects of the enacted plans that may have been adopted with a discriminatory purpose. Before refusing to adhere to the State's policy judgments because of possible Section 5 violations, however, this Court must find that departures from the State plan are justified, because the relevant aspects of the enacted plans face a not insubstantial challenge under the statute. *See id.* at 6, 9-10.

As to retrogression, for example, the District Court for the District of Columbia determined that the State used an improper standard and/or methodology to determine the number of minority ability-to-elect districts under the benchmark plan as compared to the proposed plan. *See Texas v. United States*, Order Denying Summary Judgment at 24-34 (explaining why the State's methodology was inadequate and explaining factors to be considered in determining ability-to-elect status). Because the State House plan reduces the number of minority ability-to-elect districts from 50 benchmark districts to 45 districts under the proposed plan, there is a reasonable probability that the plan will fail to gain preclearance. *See Texas v. United States*, U.S. Opp. Mem. at 8 (House Districts 33, 35, 41, 117, and 149 lost ability-to-elect status under the enacted plan).

This Court thus would be justified in ensuring that any interim State House plan has at least 50 minority ability-to-elect districts in order to comply with Section 5. *Cf. Texas v. United States*, U.S. Opp. Mem. at 7-8. These districts could include any coalition districts in which minority groups currently have the ability to elect their preferred candidate. *See Texas v. United*

States, Order Denying Summary Judgment at 34-37 (distinguishing existing ability-to-elect coalition districts for purposes of Section 5 retrogression analysis from the creation of coalition districts under Section 2); *Texas v. United States*, U.S. Opp. Mem. at 8, 13-14 (identifying benchmark District 149 as one such district).[3] With respect to the Congressional plan, this Court's interim plan would have to include at least 11 minority ability-to-elect districts in order to avoid impermissible retrogressive effect under Section 5. *See Texas v. United States*, U.S. Opening Trial Brief at 4 (setting forth 10 benchmark districts and noting lost ability-to-elect status in Congressional Districts 23 and 27).

As to discriminatory purpose, the district court in the judicial preclearance action determined that summary judgment was also inappropriate because the State had failed to demonstrate that its statewide plans were not enacted with discriminatory purpose. *See Texas v. United States*, Order Denying Summary Judgment at 41-43. In particular, the summary judgment decision noted that despite the substantial population growth among Hispanics in Texas over the last decade, none of the State's four additional Congressional seats was a Hispanic ability-to-elect district under the enacted plan. *See id.* at 40, 42 n.37; *see also Texas v. United States*, U.S. Opp. Mem. at 36-37. This Court should not defer to the State's policy judgments with respect to the creation of the new Congressional districts since the proposed plan faces a not insubstantial challenge based on credible allegations that the plan was enacted with a discriminatory purpose and has a discriminatory effect.

[3] The Supreme Court's recent decision does not affect the recognition of coalition districts as minority ability-to-elect districts for purposes of a district court's Section 5 analysis. *Perry v. Perez*, slip op. at 10. Although the Court noted that this Court "had no basis" on which to "create a minority coalition district," *ibid.*, it did not hold that a court could not intentionally create such a district based on appropriate evidence of cohesiveness and racial bloc voting.

This Court likewise should not follow the State's policy judgments with respect to certain districts in the Congressional and State House plans on the basis of evidence that the State intentionally replaced politically active Hispanic voters previously in those districts with less mobilized Hispanic voters. *See Texas v. United States*, U.S. Opp. Mem. at 12-13, 32 (House District 117 as an example of such action); *id.* at 24-25, 37-38 (Congressional District 23 as an example of such action). The loss of minority ability-to-elect districts under the State House plan (Districts 33, 35, 41, 117, and 149) also suggests that the State acted with a discriminatory purpose in enacting its plans. *See id.* at 30. This Court likewise should decline to incorporate the State's race-based actions with respect to districts or counties in which the State cracked large Hispanic populations, or pulled strangely shaped minority populations out of certain districts, in order to submerge minority voters in larger Anglo populations, thereby reducing minority voting strength. The Supreme Court noted that those districts "appear to be subject to strong challenges" under Section 5. *Cf. Perry v. Perez*, slip op. at 10 (citing U.S. Opp. Mem. at 38). *See also Texas v. United States*, U.S. Opp. Mem. at 31-32 (in the House plan, for example, evidence of cracking in the Dallas-Fort Worth area and use of precinct-level racial data in proposed District 41); *id.* at 38 (in the Congressional plan, evidence of discriminatory purpose in the enacted Dallas-Fort Worth districts).

Where this Court departs from the State's enacted plans on the basis of impermissible retrogression under the proposed State House and Congressional plans or evidence of discriminatory intent in the creation of State House and Congressional districts, it must justify that action by identifying with specificity the relevant aspects of those plans that face a not insubstantial challenge under Section 5. In doing so, it may rely on the State's failure in the District Court for the District of Columbia to thus far meet its burden of showing that each of its

enacted plans "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of" race, color, or membership in a language minority group. 42 U.S.C. § 1973c(a).

CONCLUSION

In fashioning new interim plans pending judicial preclearance under Section 5 of the Voting Rights Act, this Court should deviate from the policy judgments reflected in the State's enacted plans where those judgments reflect aspects of plans that are subject to a "not insubstantial" Section 5 challenge. In this context, this Court easily may conclude based on the record of the proceedings before the District Court for the District of Columbia – including the pleadings, Order Denying Summary Judgment, and evidence presented at trial –that the State's enacted maps are subject to Section 5 challenges that are not insubstantial.

Date: January 27, 2012

Respectfully submitted,

ROBERT PITMAN
United States Attorney
Western District of Texas

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

/s/ Jaye Allison Sitton
T. CHRISTIAN HERREN, JR.
TIMOTHY F. MELLETT
JAYE ALLISON SITTON
(DC Bar 453655)
ERIN FLYNN
Attorneys
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-4143
Facsimile: (202) 307-3961

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this filing was sent via the Court's electronic notification system and/or email to the following counsel of record on January 27, 2012 to:

Via CM/ECF

DAVID RICHARDS
Texas Bar No. 1684600
Richards, Rodriguez & Skeith LLP
816 Congress Avenue, Suite 1200
Austin, TX 78701
512-476-0005
davidr@rrsfirm.com

RICHARD E. GRAY, III
State Bar No. 08328300
Gray & Becker, P.C.
900 West Avenue, Suite 300
Austin, TX 78701
512-482-0061/512-482-0924 (facsimile)
Rick.gray@graybecker.com

JOSE GARZA
Texas Bar No. 07731950
Law Office of Jose Garza
7414 Robin Rest Dr.
San Antonio, Texas 78209
210-392-2856
garzpalm@aol.com

MARK W. KIEHNE
mkiehne@lawdcm.com
RICARDO G. CEDILLO
rcedillo@lawdcm.com
Davis, Cedillo & Mendoza
McCombs Plaza
755 Mulberry Ave., Ste. 500
San Antonio, TX 78212
210-822-6666/210-822-1151 (facsimile)

GERALD H. GOLDSTEIN
State Bar No. 08101000
ggandh@aol.com
DONALD H. FLANARY, III
State Bar No. 24045877
donflanary@hotmail.com
Goldstein, Goldstein and Hilley
310 S. St. Mary's Street
29th Floor, Tower Life Bldg.
San Antonio, TX 78205-4605
210-226-1463
210-226-8367 (facsimile)

PAUL M. SMITH
MICHAEL B. DESANCTIS
JESSICA RING AMUNSON
Jenner & Block LLP
1099 New York Ave., NW
Washington, D.C. 20001
202-639-6000

J. GERALD HEBERT
191 Somervelle Street, # 405
Alexandria, VA 22304
703-628-4673
hebert@voterlaw.com

JESSE GAINES
P.O. Box 50093
Fort Worth, TX 76105
817-714-9988

NINA PERALES
Texas Bar No. 24005046
nperales@maldef.org
MARISA BONO
mbono@maldef.org
REBECCA MCNEILL COUTO
rcouto@maldef.org
Mexican American Legal Defense
and Education Fund
110 Broadway, Suite 300
San Antonio, TX 78205
210-224-5476/(210) 224-5382 (facsimile)

MARK ANTHONY SANCHEZ
masanchez@gws-law.com
ROBERT W. WILSON
rwwilson@gws-law.com
Gale, Wilson & Sanchez, PLLC
115 East Travis Street, Ste. 1900
San Antonio, TX 78205
210-222-8899/210-222-9526 (facsimile)

JOHN T. MORRIS
5703 Caldicote St.
Humble, TX 77346
281-852-6388

MAX RENEA HICKS
Law Office of Max Renea Hicks
101 West Sixth Street Suite 504
Austin, TX 78701
512-480-8231/512-480-9105 (facsimile)
rhicks@renea-hicks.com

LUIS ROBERTO VERA, JR.
Law Offices of Luis Roberto Vera, Jr. &
Associates
1325 Riverview Towers
111 Soledad
San Antonio, Texas 78205-2260
210-225-3300
lrvlaw@sbcglobal.net

GEORGE JOSEPH KORBEL
Texas Rio Grande Legal Aid, Inc.
1111 North Main
San Antonio, TX 78213
210-212-3600
korbellaw@hotmail.com

ROLANDO L. RIOS
Law Offices of Rolando L. Rios
115 E Travis Street
Suite 1645
San Antonio, TX 78205
210-222-2102
rrios@rolandorioslaw.com

GARY L. BLEDSOE
State Bar No.: 02476500
Law office of Gary L. Bledsoe
316 W. 12th Street, Ste. 307
Austin, TX 78701
512-322-9992/512-322-0840 (facsimile)
garybledsoe@sbcglobal.net

STEPHEN E. MCCONNICO
smcconnico@scottdoug.com
SAM JOHNSON
sjohnson@scottdoug.com
S. ABRAHAM KUCZAJ, III
akuczaj@scottdoug.com
Scott, Douglass & McConnico
One American Center
600 Congress Ave., 15th Floor
Austin, TX 78701
512-495-6300/512-474-0731 (facsimile)

CHAD W. DUNN
chad@brazilanddunn.com
K. SCOTT BRAZIL
scott@brazilanddunn.com
Brazil & Dunn
4201 FM 1960 West, Suite 530
Houston, TX 77068
281-580-6310/281-580-6362 (facsimile)

VICTOR L. GOODE
Asst. Gen. Counsel, NAACP
4805 Mt. Hope Drive
Baltimore, MD 21215-5120
410-580-5120/410-358-9359 (facsimile)
vgoode@naacpnet.org

ROBERT NOTZON
State Bar No. 00797934
Law Office of Robert S. Notzon
1507 Nueces Street
Austin, TX 78701
512-474-7563/512-474-9489 (facsimile)
robert@notzonlaw.com

ALLISON JEAN RIGGS
ANITA SUE EARLS
Southern Coalition for Social Justice
1415 West Highway 54, Ste. 101
Durham, NC 27707
919-323-3380/919-323-3942 (facsimile)
anita@southerncoalition.org

DONNA GARCIA DAVIDSON
PO Box 12131
Austin, TX 78711
(512) 775-7625/(877) 200-6001 (facsimile)
donna@dgdlawfirm.com

FRANK M. REILLY
Potts & Reilly, L.L.P.
P.O. Box 4037
Horseshoe Bay, TX 78657
512-469-7474/512-469-7480 (facsimile)
reilly@pottsreilly.com

DAVID SCHENCK
david.schenck@oag.state.tx.us
MATTHEW FREDERICK
matthew.frederick@oag.state.tx.us
ANGELA V. COLMENERO
angela.colmenero@oag.state.tx.us;
ANA M. JORDAN
ana.jordan@oag.state.tx.us;
DAVID MATTAX
david.mattax@oag.state.tx.us;
PO Box 12548, Capitol Station
Austin TX 78711-2548
(512) 936-1342

JOHN K. TANNER
John Tanner Law Office
3743 Military Rd. NW
Washington, DC 20015
Phone: (202)503-7696

NED BENNET SANDLIN
Executive Director
Texas Municipal League
1821 Rutherford Lane
Suite 400
Austin, TX 78754-5128
Phone: (512)231-7400
Fax: (512)231-7490
Email: bennett@tml.org

JAMES A. BABB
1308 Piney Woods
Friendswood, TX 77546

HECOTR DE LEON
De Leon & Washburn, P.C.
Barton Oaks Plaza V
901 S. Mopac, Ste 230
Austin, TX 78746
Phone: (512)478-5308
Fax: (512)482-8628
Email: hdeleon@dwlawtx.com

BENAJMIN S. DELEON
De Leon & Washburn, PC
901 S. MoPac Expressway
Barton Oaks Plaza V, Suite 230
Austin, TX 78746
USA
Phone: (512) 478-5308
Fax: (512) 482-8628
Email: bdeleon@dwlawtx.com

ERIC CHRISTOPHER OPELIA
Eric Opiela PLLC
1122 Colorado St
Suite 2301
Austin, TX 78701
Phone: (512) 791-6336
Fax: (512) 250-3102
Email: eopiela@ericopiela.com

CHRISTOPHER K. GOBER
Gober Hilgers Pllc
3101 Cedar Springs Rd
Suite 1050
Dallas, TX 75201
Phone: (214) 842-6829
Fax: (877) 437-5755
Email: cgober@goberhilgers.com

CLARKSON F. BROWN
Bexar County Criminal District Attorney's Office
Civil Division
101 W Nueva
Suite 5049
San Antonio, TX 78205
Phone: (210) 335-2150
Fax: (210) 335-2151
Email: clarkb@bexar.org

CARLONE D. LOPEZ
Jenner & Block LLP
1099 New York Ave., N.W.
Suite 900
Washington, DC 20001
Phone: (202) 639-6000
Fax: (202) 639-6066
Email: clopez@jenner.com

JAMES EDWIN TRAINOR, III
Beirne, Maynard & Parsons, L.L.P
401 W. 15th Street
Suite 845
Austin, TX 78701
Phone: (512) 623-6700
Fax: (512) 623-6701
Email: ttrainor@bmpllp.com

JOSEPH M. NIXON
Beirne Maynard & Parsons LLP
1300 Post Oak Blvd. - Suite 2500
Houston, TX 77056
Phone: (713) 871-6809
Fax: (713) 960-1527
Email: jnixon@bmpllp.com

JESSICA RING AMUNSON
Jenner & Block LLP
1099 New York Ave., N.W., Suite 900
Washington, DC 20001
Phone: (202) 639-6023
Fax: (202) 639-6066
Email: jamunson@jenner.com

MICHAEL B. DESANCTIS
Jenner & Block, LLC
1099 New York Ave, NW - Ste 900
Washington, DC 20001
Phone: (202)637-6323
Fax: (202)639-6066
Email: mdesanctis@jenner.com

CYNTHIA B. JONES
Jones Legal Group, LLC
904 12th Ave E.
Seattle, WA 98102
Phone: (206)972-4943
Email: jones.cynthiab@gmail.com

MANUEL ESCOBAR, JR.
Attorney at Law
201 W. Poplar
San Antonio, TX 78212-0001
Phone: (210)212-5592
Attorney to be Noticed
Email: escobarm1@aol.com

RICARDO G. CEDILLO
Davis, Cedillo & Mendoza
McCombs Plaza
755 E. Mulberry Ave.
Suite 500
San Antonio, TX 78212
Phone: (210) 822-6666
Fax: (210) 822-1151
Email: rcedillo@lawdcm.com

ABHA KHANNA
Perkins Cole LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: (206)359-8312
Fax: (206)359-9312
Pro Hac Vice
Email: akhanna@perkinscoie.com

S. ABRAHAM KUCZAJ, III
Scott Douglass & McConnico, LLP
600 Congress Avenue, 15th Floor
Austin, TX 78701
Phone: (512) 495-6300
Fax: (512) 474-0731
Email: akuczaj@scottdoug.com

SAM JOHNSON
Scott, Douglass & McConnico
One American Center
600 Congress Avenue
Suite 1500
Austin, TX 78701
Phone: (512) 495-6300
Fax: (512) 474-0731
Email: sjohnson@scottdoug.com

STEPHEN E. MCCONNICO
Scott, Douglass & McConnico
One American Center
600 Congress Ave., 15th Floor
Austin, TX 78701
Phone: (512)495-6300
Fax: (512)474-0731
Attorney to be Noticed
Email: smcconnico@scottdoug.com

MARISA BONO
MALDEF
110 Broadway #300
San Antonio, TX 78205
Phone: (210)224-5476 ext 204
Fax: (210)224-5382
Email: mbono@maldef.org

MARK ANTHONY SANCHEZ
Gale, Wilson & Sanchez, PLLC
115 East Travis
19th Floor
San Antonio, TX 78205
Phone: (210)222-8899
Fax: (210)222-9526
Email: masanchez@gws-law.com

NICHOLAS ESPIRITU
MALDEF
634 S. Spring Street, 11th Floor
Los Angeles, CA 90014
Phone: (213)629-2512
Fax: (213)629-0266
Email: nespiritu@maldef.org

MARC ERIK ELIAS
Perkins Cole LLP
700 Thirteenth Street N.W. - Ste 600
Washington, DC 2005-3960
Phone: (202)434-1609
Fax: (202)654-9126
Email: melias@perkinscoie.com

Via Email

JOAQUIN G. AVILA
P.O. Box 33687
Seattle, WA 98133
206-724-3731/206-398-4261 (facsimile)
jgavotingrights@gmail.com

KAREN M. KENNARD
2803 Clearview Drive
Austin, TX 78703
512-974-2177/512-974-2894 (facsimile)
Karen.kennard@ci.austin.tx.us

DAVID ESCAMILLA
Travis County Asst. Attorney
P.O. Box 1748
Austin, TX 78767
512-854-9416
David.escamilla@co.travis.tx.us

/s/ Jaye Allison Sitton
JAYE ALLISON SITTON
(DC BAR # 453655)
Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-4143
Facsimile: (202) 307-3961